

## Appendix E

26/00425/NOILIC The Red Rose, 21B Clarence Street, Staines-upon-Thames

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Licensing Act 2003 - Representation against Premises Licence Application

Premises: The Rose Bar, 21B Clarence Street, Staines-upon-Thames

### 1. Introduction

Environmental Health submit this representation in respect of the application for a new

Premises Licence at the above premises.

This representation is made under the Licensing Objective of:

Prevention of Public Nuisance

The premises (operating as has a history of causing noise disturbance to nearby residential properties associated with the operation of the previous licensed premises at this address and given this background Environmental Health therefore oppose the

granting of a Premises Licence.

### 2. Location and Sensitivity of the Area

The premises are located within a mixed commercial and residential area. Importantly,

residential flats are located in close proximity to the rear of the premises, including properties overlooking the balcony area facing the River Colne.

Due to this close proximity, the premises are particularly sensitive to noise associated

with:

amplified music

patron noise

use of the rear balcony area

dispersal of customers late at night

### 3. Relevant Licensing History

The premises previously was previously operated by the applicant, Mr Dhunay, under a

Premises Licence held by Vegan Pind Ltd and that licence permitted:

- Sale of alcohol

- Regulated entertainment

- Late night refreshment until 01:30 daily.

The licence also included conditions intended to prevent nuisance including:

- installation of a noise limiter

- closure of the rear balcony after 23:00

- restrictions on the number of patrons using the balcony

- requirement for staff supervision of smoking areas.

These conditions were specifically imposed to mitigate the impact of the premises on nearby residential properties.

#### 4. History of Noise Complaints

Shortly after the premises began operating, Environmental Health began receiving complaints from nearby residents concerning:

- loud music, particularly low frequency bass

- music continuing beyond permitted hours

- use of the balcony after 23:00

- disturbance from patrons.

Despite engagement by Environmental Health and the Licensing Authority, complaints

continued throughout 2022. The Council's Environmental Health team undertook visits

to nearby residential premises and confirmed that music from the premises was clearly

audible within nearby dwellings, particularly where windows or patio doors were open.

#### 5. Statutory Nuisance and Enforcement Action

On 6 August 2022, Environmental Health officers witnessed music from the premises within a nearby residential property at a level considered sufficient to constitute a

statutory nuisance. As a result, a noise abatement notice was served under Section 80

of the Environmental Protection Act 1990 on 10 August 2022. This issuing of the abatement notice clearly demonstrates that the operation of the premises was causing

unacceptable disturbance to local residents.

#### 6. Continued Non-Compliance

Despite enforcement action and engagement by Environmental Health and Licensing officers, further complaints continued to be received including:

- loud bass music late at night

- regulated entertainment continuing after permitted hours

- use of the balcony beyond permitted times

- excessive numbers of customers using the balcony area.

These issues persisted even after adjustments were made to the noise limiter and discussions were held with the operator.

#### 7. Previous Licence Review

Due to the persistent nature of the complaints and breaches of licence conditions, Environmental Health applied for a review of the premises licence under the Licensing

Act 2003. That review ultimately resulted in revocation of the premises licence.

#### 8. Current Application

Environmental Health have carefully considered the operating schedule and conditions

proposed within the current application. The applicant states that lessons have been learned from the previous operation of the premises however it noteworthy that the previous Premises Licence application (2021) stated, in relation to 'steps you will take to

promote all four licensing objectives', that the "The premises will operate to a high standard" and clearly this was not the case.

The applicant has proposed additional conditions to be implemented however

Environmental Health remain concerned that the measures proposed do not address

the fundamental issues previously experienced at this location. The premises previously operated under a licence which already contained a number of conditions specifically designed to control noise breakout and minimise disturbance to nearby residential properties, including:

- the installation and calibration of a noise limiter
- restrictions on the use of the balcony after 23:00
- restrictions on the number of patrons permitted on the balcony
- requirements for supervision of external smoking areas
- requirements for windows and doors to remain closed during regulated entertainment.

Despite these controls being in place, as noted above, Environmental Health received

repeated complaints from nearby residents regarding loud music, particularly low frequency bass, as well as disturbance arising from the use of the balcony outside permitted hours. which resulted in the service of an Abatement Notice under Section 80

of the Environmental Protection Act 1990.

In Environmental Health's opinion, the issues experienced historically were not attributable to a lack of licence conditions, but rather to failures in the management and

operation of the premises and compliance with those conditions. Given this history, and

similar nature of the application i.e. food offering, sale of alcohol, late night regulated entertainment, it is therefore reasonably foreseeable that similar issues may arise, despite the earlier terminal hour(s) proposed. There is still potential for disturbance to be caused up to this time, particularly given the proposed ratio of one door supervisor

per 100 patrons, to control the front, inside and balcony. In the case where is only one

door supervisor the closing of the door to the balcony when people are smoking is unlikely to be monitored, leading to likely regular break out noise from inside the

premises. Also, realistically, one door supervisor is unlikely to be ensuring the balcony

is not used at all after 22:30 as they're likely to be busy monitoring the front and inside

premises as well.

Environmental Health do not consider that the additional conditions proposed within the current application provide sufficient reassurance that the licensing objective of the

prevention of public nuisance will be upheld.

Paragraph 2.15 of the Guidance issued under Section 182 of the Licensing Act 2003 states that licensing authorities should seek to prevent public nuisance arising from licensable activities and that noise nuisance from premises can have a significant impact on local residents. Furthermore, Paragraph 11.23 of the Guidance advises that

where licensing objectives are being undermined, licensing authorities should take appropriate steps, including refusal of an application, where necessary to promote the

licensing objectives.

Environmental Health consider that the history of noise complaints, breaches of licence conditions and the service of a statutory nuisance abatement notice demonstrates that the operation of licensable activities at this location has previously undermined the licensing objective of the prevention of public nuisance and demonstrates that the operation of licensable activities at this location has previously undermined the licensing objective of the prevention of public nuisance and for this reason oppose the granting of a Premises Licence.

**REDACTED**

Senior Environmental Health Regulatory Officer

16 March 2026